

**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE**

EMERGENCY RULE

Pursuant to the provisions of NEB. REV. STAT. §71-502, the Department of Health and Human Services Regulation and Licensure determines:

1. Monkeypox is a viral disease occurring in animals and humans, and is highly contagious, and can lead to death.
2. That an outbreak of this disease has occurred in the United States in prairie dogs that have been exposed while in captivity after April 1, 2003.
3. That it is illegal under the laws of this state to own prairie dogs.
4. That an emergency exists in this state whereby the population may be exposed to this contagious disease from exposure to prairie dogs which are in captivity and may have been exposed to other animals carrying the disease.

Therefore an Emergency Rule is hereby adopted requiring all prairie dogs in captivity in this state, which have been received through commercial facilities after April 1, 2003, to be confiscated, and euthanized and disposed of according to Guidelines of the federal Department of Health and Human Services, Centers for Disease Control and Prevention, dated July 1, 2003.

Any officer of the Nebraska Game and Parks Commission or any law enforcement with jurisdiction is authorized to enforce this Emergency Rule.

Dated this 3rd day of July 2003

**NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE**

BY: 

Richard Raymond, M.D.
Chief Medical Officer


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Director of Regulation and Licensure



71-502

Communicable diseases; rules and regulations; control; powers of Department of Health and Human Services Regulation and Licensure.

The Department of Health and Human Services Regulation and Licensure shall have supervision and control of all matters relating to necessary communicable disease control and shall adopt and promulgate such proper and reasonable general rules and regulations as will best serve to promote communicable disease control throughout the state and prevent the introduction or spread of disease. In addition to such general and standing rules and regulations, (1) in cases of emergency in which the health of the people of the entire state or any locality in the state is menaced by or exposed to any contagious, infectious, or epidemic disease, illness, or poisoning, (2) when a local board of health having jurisdiction of a particular locality fails or refuses to act with sufficient promptitude and efficiency in any such emergency, or (3) in localities in which no local board of health has been established, as provided by law, the department shall adopt, promulgate, and enforce special communicable disease control rules and regulations such as the occasion and proper protection of the public health may require. All necessary expenses incurred in the enforcement of such rules and regulations shall be paid by the city, village, or county for and within which the same have been incurred. All officers and other persons shall obey and enforce such communicable disease control rules and regulations as may be adopted and promulgated by the department.

Source:

Laws 1919, c. 190, tit. VI, art. II, div. VIII, § 2, p. 779;
C.S.1922, § 8223; C.S.1929, § 71-2302; R.S.1943, § 71-502;
Laws 1977, LB 39, § 149; Laws 1986, LB 763, § 1;
Laws 1988, LB 1012, § 3; Laws 1996, LB 1044, § 488.
Operative date January 1, 1997.

Annotations:

Sanitation and quarantine are placed under the former Department of Health. *Petersen Baking Co. v. Bryan*, 124 Neb. 464, 247 N.W. 39 (1933).

A physician, acting under orders of the state board of health to quarantine a disease in a county, may recover from the county actual expenses incurred and the value of services rendered. *Shidler v. York County*, 95 Neb. 652, 146 N.W. 949 (1914).